



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial Number: 09/849,315

Atty Docket 4025

Filing Date: May 7, 2001

Art Unit 1772

Inventor: Joseph J. Solon

Examiner Alexander S. Thomas

For: Environmentally Safe Method and Apparatus for Storage of Discarded Tire Rubber

**STATUS: ON APPEAL WITH OFFICE COMMUNICATION OF Feb 24, 2003**

**OUTSTANDING -THE APPEAL BRIEF IS NOT ENTERED**

To The Commissioner of Patents and Trademarks,

Sir:

This timely responds to the Communication of Feb.24, 2003 within the allocated one month or day response period.

This communication is a Notification of Non-Compliance with 37 CFR 1.1929(c) in that (2.) the brief does not contain a status of all claims, pending or cancelled, or does not identify the appealed claims; (3.) At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment; and (4.) The brief does not contain a correct copy of the appealed claims as an appendix thereto. Accordingly the brief (Paper 9) has not been entered.

A response copy of the amended brief is enclosed with added material in italics and deleted material bracketed for ready comparison, along with three copies in clean format.

Kindly enter the enclosed three clean copies of the Brief On Appeal (Amended) which fully overcome the grounds of non-compliance by incorporating the following revised sections:

(3) Status of claims –Amended

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Claims 3-8, 12 and 16 are objected to; Claims 1, 2, 9-11, 13-15, 17 and 24 are rejected; and Claims 18-21 are withdrawn from consideration. Thus the true status is that Claims 1-17 and 24 are present and Claims 18-21 were previously cancelled.

Cancel Claim 24 herewith without prejudice as an inadvertently retained claim directed to the non-elected invention.

This leaves Claims 1-13, 15, 16 now taken upon appeal following this response.

Note that Claims 14 was previously cancelled and Claim 24 is cancelled herewith so that those claims are not reproduced in the amended appendix (9).

Kindly enter the cancellation of Claim 24 and the Amendment to Claim 15 to put the case in better form for appeal.

Also kindly enter the revised clean copies of the appeal brief.

Respectfully Submitted, March 3, 2003



Laurence R. Brown, Counsel of Record

Enc. One marked up copy of the brief identifying the responsive amendments; Three clean copies of Amended brief without mark-up notation containing amended sections (3), (4), (6), (7) and (9); and a clean copy of Amended Claim 15.

**Clean Copy of Amended Claim 15**

15. The method defined in Claim 13 further comprising the step of compactly storing pallets loaded with said flat treaded strips at a selected outdoor storage site.